

May 21, 2004

IMMEDIATE RELEASE

THIS IS NOT AN OFFICIAL STATEMENT
OF THE COURT, BUT IS SOLELY FOR
THE CONVENIENCE OF THE PRESS.

IN THE SUPREME COURT OF THE STATE OF IDAHO
Docket No. 29287

NEZ PERCE TRIBE,

Plaintiff-Respondent,

v.

LITTLE HOPE INVESTMENTS, L.L.C.,

Defendant-Appellant,

and

MICHAEL AXTELL, ESTHER AXTELL,
and the UNKNOWN OWNERS of the
following real property described with
particularity in the Nez Perce County
Sheriff's Deed attached as Exhibit A,

Defendants.

LITTLE HOPE INVESTMENTS, L.L.C., an
Idaho limited liability company,

Third Party Plaintiff-Appellant,

v.

RANDY KINGSBURY, Sheriff of Nez Perce
County, Idaho, and NEZ PERCE COUNTY,
IDAHO,

Third Party Defendants-Respondents.

Boise, April 2004 Term

2004 Opinion No. 67

Filed: May 21, 2004

Frederick C. Lyon, Clerk

Appeal from the District Court of the Second Judicial District, State of
Idaho, Nez Perce County. Hon. John R. Stegner, District Judge.

Quiet title in favor of the Nez Perce Tribe, affirmed.

Jack L. Curtin, Juliaetta, argued for appellant.

Clements, Brown & McNichols, Lewiston, for respondents Nez Perce County. Bentley G. Stromberg argued.

David J. Cummings and Julie S. Kane, Lapwai, for respondents Nez Perce Tribe. David J. Cummings argued.

In an opinion released today, the Idaho Supreme Court affirmed the judgment of the district court quieting title in the Nez Perce Tribe of parcels 1, 2, and 3 that the Tribe purchased at the foreclosure sale of the Axtells' property. Holding that I.C. § 11-402 is not ambiguous and allows the judgment debtor to redeem the property as originally sold, the Court read the statute in *pari materia* with I.C. § 11-304 governing the conduct of foreclosure sales of lots or parcels. The Court concluded that the description of the property at the time of sale dictates the lots, parcels or tracts subject to redemption, which readily identifies for all interested parties and others what can be redeemed and in what configuration. Because of the three separately described parcels of less than twenty acres, the Court upheld the application of a six-month redemption period in this case and ruled the untimely redemption attempted by the Axtells' successor in interest to be of no effect.